
Central Valley Regional Water Quality Control Board

5 November 2012

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NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2008-0081; MOKELUMNE AQUEDUCTS INTERCONNECTION PROJECT; SAN JOAQUIN & CONTRA COSTA COUNTY

Our office received a Notice of Intent (NOI) on 6 August 2012 from the Proven Management, Inc., consultant for East Bay Municipal Utility District (Discharger) for the Mokelumne Aqueducts Interconnection Project. Based on the information in the NOI, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has determined that the project meets the required conditions for approval under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order). This project is hereby assigned Low Threat General Order R5-2008-0081-118 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference unique Order R5-2008-0081-118 in all future correspondence and documents.

The Low Threat General Order (enclosed) may be viewed at the following web address: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0081.pdf. You are urged to familiarize yourself with the contents of the entire document. The Low Threat General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Low Threat General Order, and with the information submitted by the Discharger.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING

The Low Threat General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, 2005*, also known as the State Implementation Policy (SIP).

Screening levels for CTR constituents are found in Attachment B of the Low Threat General Order. As explained below, the project spans two counties at two separate construction sites, the Stockton Interconnect site and the Bixler Interconnect site. Discharge of treated groundwater from construction activities at the Stockton Interconnect site will be to the Stockton Ship Channel and the Bixler Interconnect site will be to Bixler Slough. Review of the groundwater monitoring data from both sites in comparison to the CTR screening showed no reasonable potential to cause or contribute to an instream exceedance of the CTR criteria to

both receiving waters, the Bixler Slough and the Stockton Shipping Channel. In addition, the Stockton Ship Channel is listed as a Water Quality Limited Segment in the *Water Quality Control Plan, Fourth Edition, for the Sacramento and San Joaquin Rivers*, for Chlorpyrifos, DDT, Diazinon, Electrical Conductivity, Group A (Organochlorine) Pesticides, and Mercury in the 303(d) list of "impaired" water bodies. Therefore, the Discharger also monitored for these constituents, and groundwater monitoring data in comparison also showed no reasonable potential to cause or contribute to an instream exceedance of the applicable water quality objectives.

PROJECT DESCRIPTION

The Discharger is proposing to discharge treated groundwater associated with the construction of two new pipeline interconnections between the existing three Mokelumne Aqueducts in the Sacramento-San Joaquin Delta, one located in the City of Stockton in San Joaquin County and the other in the Community of Bixler, Contra Costa County. Currently, the Mokelumne Aqueducts do not have any interconnections along their 82-mile length, and each aqueduct is operated independently. Connecting the aqueducts would allow the Discharger to maximize water transmission capacity after a seismic or flooding event to reduce the risk of water service interruptions to East Bay customers.

The Discharger is proposing the underground installation of approximately 300 feet of 54-inch pipeline between the three Mokelumne Aqueducts at both construction sites. The estimated length of time for completion of construction at each site is estimated to take from one to six months. The Discharger also is proposing treatment of the groundwater at both sites before discharging to the receiving waters.

The maximum groundwater discharge flows are estimated to be below 0.25 million gallons daily from both sites. Treated groundwater will be conveyed through near-by storm drain systems prior to discharging to the receiving waters. The receiving water in the City of Stockton is the Stockton Shipping Channel, tributary of the San Joaquin River, and the receiving water in the Community of Bixler is Bixler Slough.

MONITORING AND REPORTING

The Discharger must notify Central Valley Water Board staff 24 hours 1) before the start of each new discharge, 2) as soon as noncompliance is anticipated, and 3) when the discharge ceases.

The Discharger must submit quarterly reports, as described in Attachment E, Section X, even if there is no discharge or receiving water flow during the reporting quarter, until the Discharger formally requests that coverage under the Low Threat General Order be terminated.

GENERAL INFORMATION AND REQUIREMENTS

The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until the discharge is terminated. To terminate coverage under the Low Threat General Order, the Discharger must submit written notification to the Central Valley Water Board that the discharge regulated by this Low Threat General Order has ceased and is no longer necessary. If a timely written request is not received, then the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Low Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum

Penalty (MMP) of \$3,000 per violation. Late reports may be subject to an MMP of \$3,000 for each period of 30 days late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All monitoring report submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Mohammad Farhad of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Farhad can be reached at (916) 464-1181 or mfarhad@waterboards.ca.gov.

Questions regarding the permitting aspects of this Low Threat General Order, and written notification for termination of coverage under the Low Threat General Order, shall be directed to Mike Negrete of the Central Valley Water Board's NPDES Permitting Unit. Mr. Negrete can be reached at (916) 464-4662 or mnegrete@waterboards.ca.gov.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed by Kenneth D. Landau for

Pamela C. Creedon
Executive Officer

Enclosure: General Order R5-2008-0081 (Discharger only)

cc: Dave Smith, U.S. Environmental Protection Agency, Region IX, San Francisco
Phil Isorena, Division of Water Quality, State Water Board, Sacramento
Jon Stow, Project Manage ProVen Management, Inc., 712 Sansome St., San Francisco,
CA, 94111